THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 35422 of 1998

Dated 6th June 2007

Between:

Beeda Narsaiah & others

... Petitioners

and

The District Collector (PR),
Warangal District, Warangal & others

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 35422 OF 1998

O R D E R:

The petitioners are residents of Mamnoor village. It appears that certain lands in the village are very narrow. The Grampanchayat passed a resolution on 8.5.1988, proposing to widen the two lanes, one from Ratnam Education Society to the house of Nalleteegala Veeraiah, and the other from the house of Bandari Jeedaiah to the house of Singarapu Benni and from the house of Ambala Yesub to the house of Barigela Laxmaiah, upto
18 feet. For that purpose, notices dated 16.11.1988, were issued to the petitioners, requiring them to remove the houses or walls, marked by the Grampanchayat, within 15 days. The petitioners challenge the same. According to them, a detailed representation dated 19.11.1998 was submitted to the District Collector, Warangal, and the respondents are takings steps, without following the procedure prescribed by law.

Heard the learned counsel for the petitioners and learned Government Pleader for Panchayat Raj.

A perusal of the notice issued to the petitioners discloses that a resolution was passed by the Grampanchayat for widening of two narrow lanes in the village. The petitioners submitted a representation, dated 19.11.1998, to the District Collector, Warangal. The representation, however, proceeds as though the widening is on a R&B road from Hanamkonda to Khammam. The petitioners have also stated that they have no objection, if the widening is undertaken by the R&B Department.

The lanes referred to above, appear to be very narrow, and it would be difficult for the vehicles to pass through. The effort of the Grampanchayat is only to widen the lanes up to 18 feet. Though in the normal circumstances, proceedings under the Land Acquisition Act are to be initiated, whenever the property of a private individual is taken over for public purpose, widening of an existing narrow lane, to a fairly reasonable one, can be said to be exclusively for the purpose of the residents of the houses, abutting the lane. Except themselves, no other persons would be benefited out of it. The Grampanchayat cannot remain as a silent spectator for unhygienic conditions prevailing in the village. For such a cause, they cannot be required to follow the procedure prescribed by the Land Acquisition Act. At the same time, the hardship, if any, faced by the petitioners needs to be mitigated.

The writ petition is, therefore, disposed of, directing that;

a) if the marked portion is only a vacant site, the petitioners shall be given four weeks time from today, to hand over the

marked portion to the Grampanchayat.

b) If any existing house or structure is affected, the affected party shall be given three months time to rearrange the construction;

c) The Grampanchayat shall accord construction permission to the petitioners, or other persons, whose property is taken up for road widening, without raising any objection and without collecting any permission fee for the purpose of rearranging their existing structures.

d) There shall be no order as to costs.

6th June 2007

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